

01- *R* -1618

For damages alleged to have been sustained as a result of vehicular damage due to a rock falling from a construction truck on January 11, 2000 at I-85 between exits 98 and 100.

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ATLANTA CITY COUNCIL PRESIDENT
OCT 1 5 2001
TH BY

CERTIFIED
OCT 15 2001
Ruth Daughin Johnson
MUNICIPAL CLERK

APPROVED OCT 15 2001

ADVERSE REPORT

COMM DATE OCT 09 2001

C-41R C-5000

Clara Thompson



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

October 17, 2001

Mark M. Partlow
326 Haymarket Lane
Lawrenceville, Georgia 30045

01-R-1618

Dear Mr. Partlow:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on October 15, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0045

Date: 9/19/01

Claimant /Victim MARK M. PARTLOW

BY: (Atty) _____

Address: 326 Haymarket Lane Lawrenceville, Georgia 30045

Subrogation: _____ Claim for Property damage \$ 269.95 Bodily Injury \$ _____

Date of Notice: 1/20/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 1/11/00 Place: Northbound I-85 between Exits 98 and 100

Department Public Works Division: Street Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that the windshield on his vehicle was broken when a rock fell from a white and yellow-gold City construction truck and struck same causing damages in the above amount. In an investigation it was determined that the City does not own any white and yellow-gold service trucks.

INVESTIGATION:

Statements: City employee X Claimant X Other _____ Written _____ Oral X

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____

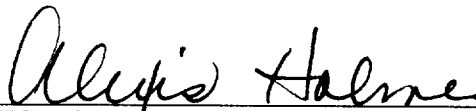
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 09-21-01

Committee Action: _____ Council Action _____

RCS# 3186
10/15/01
3:51 PM

Atlanta City Council

Regular Session

MULTIPLE
01-R-1618

Unfavorable Claims; Items #6-#23,
#26 & #27
ADVERSE

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	NV Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	NV Morris	Y Maddox	Y Alexander
NV Winslow	Y Muller	Y Boazman	NV Pitts

CORRECTED COPY

MULTIPLE